**Remarks**

The Applicant has amended claims 1, 18, and 26, cancelled claims 11, 12 and 24 and requests reconsideration of claims 1-10, 13-22 and 25-28 in view of arguments presented below.

In the Office Action, the Examiner rejected claims 1-5, 8, 10-12, 14, 16-21 under 35 U.S.C. 103(a) as being unpatentable over U. S. Patent No. 6,061,505, (Pitchaikani et al) in view of U.S. Patent No. 5,933,416 (Schenkel et al.). The Examiner further rejected claims 6-7, 9, 13, 15, 22, 28 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,061,505, (Pitchaikani et al) and U.S. Patent No. 5,933,416 (Schenkel et al.). In particular, the Examiner noted that the features (i.e. current invention provides a means of predicting network topology, even when traffic monitoring data is not available or unstable; prediction mechanism does not rely on stable traffic monitoring data; logical connection parameter include information such as the channel within the payload that the CTP is associated based upon the well-known JKLM indexing scheme, port user labels and span IP addresses) upon which the Applicant relies in the previous Office Action response, were not recited in the rejected claims and that since the claims did not define the logical connection parameters or that the invention does not require a stable traffic monitoring data flow, Pitchaikani and Schenkel in combination, read on the rejected claims. In response, Applicant has amended independent claims 1, 18 and 26 to clarify the logical connection parameters and the traffic monitoring data flow rate. In particular, the logical connection parameters are now defined in the independent claims as comprising of at least one of a logical connection user label, span IP address or logical connection channel information. Additionally, independent claims 1, 18 and 26 were further amended to clarify that the processing of said logical connection parameters is irrespective of traffic data flow rate. Neither Pitchaikani et al. or Schenkel et al., either alone or in combination, teach or suggest the processing of said logical connection parameters at any traffic data flow rate to predict at least one physical connection between two of the ports. More specifically, Pitchaikani does not disclose the logical connection parameters recited in the amended claims of the present invention to predict the network and Schenkel does not teach how to predict the topology of a network at any traffic data flow rate. Instead, Pitchaikani defines general descriptors of storing and displaying already available information regarding

the logical and physical connections between devices on a network are provided, whereas Schenkel requires a stable traffic monitoring data flow to predict the network topology. Col 3, lines 29 to 32 of Schenkel et al. confirms the stable traffic requirement in Schenkel's invention by stating that "Each device in the network must have some activity whose rate can be measured. The particular activity measured in a device must remain the same for the duration of the sequence of measurements". In Schenkel et al. if a stable rate is not achieved, the topology of the network cannot be predicted. Specifically, Col 3, lines 50-52 states "Should the rates be so low that few intervals record any activity, more measurements may need to be recorded to reach a certain accuracy of topology discovery." Applicant further notes that the logical connection parameters defined in the amended claims of the present invention are not disclosed nor taught in Schenkel et al.. Rather, the logical connection parameters utilized in Schenkel et al. to predict the network topology are limited to traffic monitoring data as specified in Col 4, lines 13-14: "All such activity which is measured should be construed in this specification as 'traffic'". Examples of such traffic data are mentioned in Col 4, lines 6-12. Therefore, Applicant submits that amended claims 1, 18, 26 and the claims that depend from them, are now patentable over U.S. Patent No. 6,061,505, (Pitchaikani et al) in view of U.S. Patent No. 5,933,416 (Schenkel et al.). Applicant also submits that amended claims 1, 18, 26 and the claims that depend from them, are also now patentable over U.S. Patent No. 6,061,505, (Pitchaikani et al) and U.S. Patent No. 5,933,416 (Schenkel et al.). Applicant therefore requests reconsideration of claims 1-22 and 24-28 and withdrawal of the rejections under 35 U.S.C. 103(a).

In view of the above amendments and discussion, the Applicants request early allowance of the amended application.

No fee is believed due for this submission. However, applicant authorizes the Commissioner to debit any required fees from deposit account 14-1315. The

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Commissioner is further authorized to debit any additional amount, and to credit any overpayment to the above-noted deposit account.

Yours very truly,

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